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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/074,288	05/07/1998	TONY M. POKORZYNSKI	PRI01P-739	1982

277 7590 06/03/2002

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EXAMINER

JOHNSON, JERRY D

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 06/03/2002

28

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/074,288

Applicant(s)

POKORZYNSKI ET AL.

Examiner

Jerry D. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-33 is/are pending in the application.
- 4a) Of the above claim(s) 11-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6-10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rohrlach et al.

Rohrlach et al, U.S. Patent 5,082,609, teach a method of production of a moulded panel, wherein a rigid substrate supports a finished panel surface, and for example is particularly applicable to, but not limited to, a door inner panel for a motor vehicle (column 1, lines 4-8). The production of a panel having a finish face, a substrate and a lamina of moulded polyurethane between the two is formed in a single closable die having two portions, the first stage of the operation being to spray an aliphatic polyurethane coloured film onto a release agent of one die portion, and spray an elastomer polyurethane over that film and allow to at least partially set, lay a sheet of reinforcing fibres which can for example be a continuous filament glass fibre over the liquid ingredients of a rigid foam polyurethane over the reinforcing fibres, close the mould, and remove the product after setting. Alternative materials such as fabric, carpet, or alternative facing film material may be applied subsequently in lieu of, or as well as, the aliphatic polyurethane (column 1, lines 37-55).

Claims 1-4 and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeuchi et al.

Takeuchi et al, U.S. Patent 5,180,617, teach a vehicle interior finishing panel so constructed that a foam base material into which a mat-shaped fiber reinforcing material is

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inserted is integrally molded on the back side of a facing material (column 2, lines 12-22). In one embodiment, the facing material is set in the lower mold element with its front side down. Next, the impregnated sheet material is set on the backside portion of the facing material. Then fiber reinforcing material is set on the facing material and the impregnated sheet material. Thereafter the molding material such as hard urethane foam is fed on the fiber reinforcing material and the upper mold element closed, and the mold is heated to foam the molding material to mold it into a given shape (column 5, lines 4-22). See Figure 7. The fiber reinforcing material is made of glass fiber or the like (column 2, lines 25-31). The porous sheet material is composed of fiber glass, synthetic fiber or other porous foam materials and has permeability (column 3, lines 41-43). In another embodiment, the facing material is set in the lower mold element with its front side down. Next the fiber reinforcing material is set on the facing material. Thereafter, the molding material such as hard urethane foam is fed onto the fiber reinforcing material, then the upper mold element is closed, and the mold is heated to foam the molding material (column 6, lines 1-11). See Figure 11.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al.

Takeuchi et al teach that a porous sheet material 9 is placed in convex areas of a trim piece to prevent fibrous material 1 from pulling away from the convex portions of a panel when

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the mold is closed. While Takeuchi et al do not disclose a trim piece wherein the porous sheet material 9 is “substantially coextensive” with the upholstery skin material, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form a convex shaped trim piece wherein the porous sheet was “substantially coextensive” with the face material in order to prevent fibrous material from pulling away from the trim piece as taught by Takeuchi et al.

Applicant's arguments filed March 21, 2002 have been fully considered but they are not persuasive.

Initially it is noted that applicants do not argue the rejection of claims 1-4 and 6-10 as being anticipated by Takeuchi et al. (Page 3 of the Office Action mailed November 21, 2001).

Applicants argue

the resulting substrate 11 of the interior trim member formed by the process described by Rohrlach et al. is not a porous substrate. Stated somewhat differently, a sheet of reinforcing glass fibers entirely embedded within a rigid polyurethane material does [sic; not] meet the claim requirements for a porous substrate that “is held to a backside of the trim piece that is opposite of the upholstery skin material. (Response, page 2).

And

[i]t is only by eliminating the rigid polyurethane material from the substrate of Rohrlach et al. that the claimed invention can be achieved. Rohrlach et al. do not provide any teaching, suggestion or motivation for eliminating application of a rigid polyurethane material at stage 4 of the disclosed process. (Response, page 4).

Applicants' arguments lack merit.

Applicants' claims do not require that the pores of the substrate remain “open.” As applicants admit (Response, page 1) Rohrlach et al, like applicants, teach a trim piece formed from a porous substrate. In any event, applicants have not explained, or taught, how the claimed trim piece can comprise a “molded foam material bonding said skin material to said porous

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substrate” without the pores of said substrate being at least partially filled with the foam material. Further, as previously noted in the Office Action of November 21, 2001, the trim piece of Takeuchi et al, like Rohrlach et al, is formed by spraying a foam base material such as hard urethane foam on the fiber reinforcing material so that the pores of the fiber reinforcing material are filled with foam. It is entirely unclear how applicants have determined that the substrate of Rohrlach et al is not a “substrate” and yet state that the porous sheet of Takeuchi et al, which is also filled with foam, is “a substrate.”

Applicants argue

[t]here is not any suggestion in the Takeuchi et al. patent that the process is suitable for fabricating a continuously convex interior trim panel. In fact, Takeuchki [sic] et al. do not suggest that there is any such thing as a continuously convex interior trim panel or that a continuously convex interior trim panel is desirable. It is respectfully submitted that the rejection is based only on speculation. (Response, page 3).

Applicants’ argument lacks merit.

Under 35 U.S.C. 103, prior art references are to be considered for all subject matter fairly disclosed for what they teach the worker of ordinary skill in the art. *In re Metcalf*, 294 F.2d 558, 157 USPQ 423. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form a convex shaped trim piece wherein the porous sheet was “substantially coextensive” with the face material in order to prevent fibrous material from pulling away from the trim piece as taught by Takeuchi et al.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

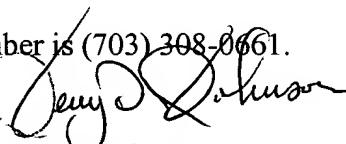
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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry D. Johnson whose telephone number is (703) 308-2515. The examiner can normally be reached on 6:00-3:30, M-F, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marian Knode can be reached on (703) 308-4311. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5408 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Jerry D. Johnson
Primary Examiner
Art Unit 1764

JDJ
May 31, 2002